

THE ADMINISTRATIVE RULES OF THE KOSRAE STATE LEGISLATURE



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PART 1. GENERAL

Rule 1.1. Scope of Rules. The Rules treat all matters pertaining to the Legislature which the Procedural Rules or law do not treat.

Rule 1.2. Purpose of Rules. The primary constitutional function of the Legislature is to make laws efficiently for the State's benefit. The purpose of these Rules is to assure that the Legislature have a staff, administrative procedures, and facilities and other property which will make performance of the Legislature's primary constitutional function as efficient, as economic, as clear and as productive as can be made possible.

Rule 1.3. Adoption and Amendment of Rules. The Legislature adopts, amends, or repeals the Rules by resolution of a majority of the membership.

Rule 1.4. Terms. The following terms used in these Rules have the meaning stated:

- a. "Family" is a Senator's spouse, children, parents, grandparents, grandchildren, siblings, spouse's parents, and spouse's siblings, including persons in relationship by adoption.
- b. "Good cause" exists for absence from the island on behalf of the Legislature, incapacitating personal illness, or a family obligation which, in the officer's judgment in the case of a Legislature duty or in the Chairman's judgment in the case of a Committee duty, is serious.
- c. "The Rules" means the Administrative Rules of the Legislature.
- d. "Speaker" and "Chairman" include Senators holding authority of the Speaker or a Chairman pursuant to the Rules.

A term whose meaning is stated in Rule 1.4 of the Procedural Rules has that meaning in the Rules. A statement presented in the present tense creates a power and a duty, unless a contrary intent is clear.

PART 2. ADMINISTRATIVE AUTHORITY OF THE LEGISLATURE

Rule 2.1. Administrative Authority of the Legislature. Except as otherwise provided by law or rule, the Speaker, or a Senator who holds the authority by delegation or assignment, has full authority, and responsibility and accountability to the Legislature, for the Legislature's operations, the performance of its staff, and its facilities and other property. Exercise of the authority is appealable to the Legislature for direction by a majority of the membership.

Rule 2.2. Speaker's Presence at Legislature. The Speaker remains present at the Legislature unless on legislative business elsewhere in the State, in which case he notifies the Clerk of his whereabouts while temporarily absent from the Legislature.

Rule 2.3. Delegation and Relinquishment of the Legislature's Administrative Authority.

The full administrative authority of the Legislature is at all times clearly placed in a designated Senator through delegation and relinquishment of the authority.

Rule 2.4. Order of Delegation. The Speaker designates his administrative authority in writing only to another Senator when required for good cause. Delegation is in this order:

- a. Vice Speaker
- b. Floor Leader
- c. Chairman, Committee on Judiciary and Governmental Operations
- d. Chairman, Committee on Ways and Means
- e. Chairman, Committee on Health, Education and Social Affairs
- f. Chairman, Committee on Resources and Development
- g. Chairman, Committee on External Affairs
- h. Other Senators in the alphabetical order of forename.

Rule 2.5. Notice of Delegation. Written notice of delegation is effectively given to the membership and to staff at the earliest possible time, at least 24 hours in advance, unless circumstances necessitate briefer notice.

Rule 2.6. Re-Delegation of the Authority. A Senator to whom the authority has been delegated re-delegates in the manner provided in Rule 2.4.

Rule 2.7. Availability. A Senator makes himself readily available for delegation or relinquishment of authority, which he may decline only for good cause.

Rule 2.8. Non-Availability. If delegation is required and the Senator next in order is not available, delegation is to the next available Senator in order.

Rule 2.9. Relinquishment of Authority. When a Senator higher in order becomes available, the Senator then holding the authority promptly relinquishes the authority to the Senator highest in order then available by giving the notice of prescribed in Rule 2.5.

Rule 2.10. Failure to Delegate or Relinquish. If a Senator fails to delegate or relinquish the authority pursuant to the Rules, the Senator to whom delegation or relinquishment is due assumes the authority by giving the notice prescribed by Rule 2.5. following consultation with the Committee on Judiciary and Governmental Operations.

Rule 2.11. Administrative Directives. The Speaker issues written administrative directives, consistent with law and rule, to establish policies to carry out his authority and responsibility. The Speaker directives promptly promulgates directives to the membership and to staff.

PART 3. ADMINISTRATIVE AUTHORITY OF COMMITTEES

Rule 3.1. Administrative Authority of Standing Committees. Except as otherwise provided by law or rule other than Rule 2.1., a Chairman of a Standing Committee has full authority, and responsibility and accountability to the Committee and to the Legislature, for the Committee's operations, the performance of the Legal Aide, and its facilities and other property.

Rule 3.2. Delegation of the Relinquishment of Standing Committee's Administrative Authority. A Chairman of a Standing Committee delegates his administrative authority in writing to the Vice Chairman when required for good cause. Further delegation is by Committee rule.

The principles and procedures of Part 2 apply to delegation and relinquishment of the authority.

Rule 3.3. Standing Committee Administrative Rule. A Standing Committee has administrative rules not in conflict with law or rule, initially promulgated no later than sixty days following the effective date of the Rules.

Rule 3.4. Budget of Standing Committees. A Standing Committee has full authority over funds provided by law for its use unless law expressly provides to the contrary.

RULE 4. THE MEMBERSHIP

Rule 4.1. Absence from Duty. A Senator may be absent from a Legislature meeting or a Committee meeting or hearing, or fail to perform an assignment on behalf of the Legislature or a Committee, only for good cause. Notice of good cause is promptly given to the Speaker, or to a Chairman in the case of Committee meeting, hearing or assignment.

Rule 4.2. Deductions from Compensation. A Senator who without good cause is absent from a Legislature meeting, or a Committee meeting or hearing, or who fails to perform an assignment on behalf of the Legislature or a Committee, forfeits ten dollars from his salary provided by law for each absence or failure to perform.

Rule 4.3. Membership on Boards. No Senator shall accept or continue in membership on a board of an agency, commission, authority, other governmental entity, charity, or foundation that is either created by state law or that receives state funding; provided, however, that a Senator may hold a membership that is by law ex officio as part of his position in the Legislature or that is held as a result of designation by the Speaker or the Legislature. Subject to the foregoing provision, a Senator holding a membership on such a board shall promptly resign from such position.

PART 5. THE STAFF

Rule 5.1. The Staff. The purpose of staff is to provide assistance to the Legislature in its performance of its constitutional duties. The Legislature has an efficient,

professional, well-trained staff, maintained on an individual contract basis, assuring compensation, benefits and other terms which will attract competent and committed staff members.

Rule 5.2. The Staff Positions. The staff of the Legislature is composed of the following positions:

- a. Chief Clerk
- b. Administrative Officer
- c. Legal Counsel
- d. Deputy Clerk
- e. Fiscal Officer
- f. Journal Clerk
- g. Secretary
- h. Legal Aide
- i. Legal Aide
- j. Legal Aide
- k. Legal Aide
- l. Legal Aide
- m. Sergeant-at-Arms
- n. Photocopy/Supply Technician
- o. Chief Page
- p. Page
- q. Page
- r. Page
- s. Page
- t. Custodian/Maintenance
- u. Security Guard
- v. Security Guard

The title of a position does not limit the kinds of duties which may be assigned to a staff member by contract.

The Speaker may contract for temporary staff members upon lawful terms approved by the Committee on Judiciary and Governmental Operations. A contract for temporary staff has a term of no more than six months.

Rule 5.3. Legal Aides. The Speaker assigns the Legal Aides to Committees in consultation with the Standing Committee Chairmen. A Legal Aide's primary duty is to serve the Committee and its Chairman. Chairmen make every effort to allow Legal Aides adequate time to perform their other duties to the Legislature. Whenever a conflict in duties arises the Speaker resolves the conflict. In the absence of a Legal Aide the Speaker assigns another staff member, if available, to act temporarily as Legal Aide.

Rule 5.4. Contracting for Staff Members. The Speaker contracts for the services of staff members upon lawful terms. The Committee on Judiciary and Governmental Operations reviews, and, in its discretion approves, the contract, qualifications and other

relevant factors regarding each selection by the Speaker. Failure of the Committee on Judiciary and Governmental Operations to notify the Speaker in writing of its action on his selection within thirty days of receiving the contract in all respects. Each contract may assign multiple duties, takes into account the overall needs of the Legislature and Committees, and provides for a full daily workload.

Rule 5.5. Performance of Contracts. The Speaker carries out the contracts of staff members on the Legislature's behalf and enforces contracts fully for the Legislature's benefit. In carrying out any contract matter of substance, including a suspension of greater than 3 days or termination of a staff member, or an amendment of contract, the Speaker must have the approval of the Committee on Judiciary and Governmental Operations. Failure of the Committee to provide notice in writing of its decision to the Speaker within 30 days after notice to the Committee of the proposed action on a contract matter of substance constitutes approval of the action.

Rule 5.6. Staff Coordination. The Speaker by administrative directives provides for coordination of the staff effort, including a general staff meeting held at least monthly.

Rule 5.7. Current Legislature Employees. Repeal of Rule 12 of the Interim Rules of Procedure and adoption of the Rules abolish all former Legislature staff positions. Upon adoption of the Rules a person then employed by the Legislature is, if he elects to remain, is in an interim employment status with current salary and leave benefits until he executed an employment contract with the Legislature or until informed by the Speaker, with the approval of the Committee on Judiciary and Governmental Operations, upon at least two weeks notice of his termination from interim employment. Past Legislature work experience of current employees who apply for such positions is considered a substantial qualification for a position. The accrued annual leave of interim employees who do not fill a Rule 5.2 position is liquidated by full payment. The accrued leave of interim employees who fill a Rule 5.2 position is carried over by contract term.

Rule 5.8. Other Employment. A staff member may have no other employment unless expressly allowed by contract. A staff member does not perform other governmental functions without the written direction of the Speaker.

PART 6. FACILITIES AND OTHER PROPERTY

Rule 6.1. Custodial Services. The Speaker contracts upon lawful terms for regular custodial servicing of Legislature buildings, with the approval of the Committee on Judiciary and Governmental Operations.

Rule 6.2. Construction and Maintenance. The Speaker contracts upon lawful terms for construction or maintenance of Legislature facilities and other property as needed, with the approval of the Committee on Judiciary and Governmental Operations.

Rule 6.3. Purchasing. The Speaker by administrative directives establishes a policy for Legislature purchasing to assure economy and fairness to local vendors.

Rule 6.4. Inventory. The Speaker by administrative directives provides for a continuing inventory and permanent marking of all durable Legislature property.

Rule 6.5. Vehicles.

- a. Legislature vehicles are used only in accordance with the following:
 1. The Administrative Officer makes assignment of vehicles.
 2. The vehicle assigned to the Speaker may be used only by the Speaker or by a Senator or staff member expressly authorized by the Speaker.
 3. Except for use of a vehicle in connection with a Legislature or committee meeting, no Legislature vehicle, other than the vehicle described in paragraph (a)(2) of this rule, may be used after 4:30 on working days, or on holidays and weekends, without the written permission of the Speaker for purposes which in the Speaker's judgment are Legislature-related.
- b. Legislature vehicles are presented to a reputable mechanic on a monthly basis for maintenance and repair.
- c. Fuel for Legislature vehicles may be purchased only when the Administrative Officer has first received the Speaker's written authority of purchase, and cash or a check for the purchase has been issued through the Administrative Assistant.

PART 7. FINANCE

Rule 7.1. Off-Island Travel: Documentation. Cost of travel beyond Kosrae by a Senator or staff member on behalf of the Legislature or a Committee is paid by Legislature funds only when a properly executed travel authorization is issued in advance of travel.

A travel report is promptly made within five days of completion of travel.
Failure to comply with this rule results in loss of benefits pursuant to the rule.
The Speaker by administrative directives further implements this rule.

Rule 7.2. Off-Island Travel: Allowance. In addition to other compensation provided by law a Senator or staff member traveling beyond Kosrae on behalf of the Legislature or a Committee receives a uniform lodging, food, rental vehicle and other allowance as determined by administrative directives of the Speaker. The full per-estimated cost of travel and allowance is paid before travel commences.

Rule 7.3. Leave with Pay. The Speaker may grant a staff member leave with pay with the approval of the Committee on Judiciary and Governmental Operations.

Rule 7.4. Financial Procedures. No later than sixty days following the effective date of the Rules the Speaker by administrative directives provides for a reliable system of

financial procedures which conform to law and take into account the recommendations of the 1982 general State audit.

PART 8. MISCELLANEOUS

Rule 8.1. Smoking Restrictions. No person is allowed to smoke in the Legislature Chamber, its gallery, or its connecting hallways at any time. By majority vote, a Standing Committee establishes smoking restrictions, if any, pertaining to its Committee room. A Legislature officer or staff member establishes smoking restrictions pertaining to his office, room, or work space other than Committee rooms.